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FISCAL IMPACT STATEMENT

LS 6945

BILL NUMBER: HB 1279

NOTE PREPARED: Jan 26, 2012

BILL AMENDED: Jan 26, 2012

SUBJECT: Various Natural Resources Matters.

FIRST AUTHOR: Rep. Eberhart

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill moves the State Land Office from the Indiana Department of Administration (IdoA) to the Department of Natural Resources (DNR).

Hunting, Fishing, and Trapping: The bill allows fishing by means of a crossbow. The bill also removes certain conditions on the right of a nonresident who owns farmland in Indiana (and of the spouse and children who reside with the nonresident) to hunt, fish, and trap on the farmland without a license. The bill requires a nonresident of Indiana to apply for a license to hunt, fish, or trap on the property that the nonresident owns in Indiana. It repeals the prohibition on racoon hunting by nonresidents.

Spotlighting: The bill allows the Director of DNR to give certain individuals permission to spotlight wild animals or use a silencer. It provides that certain regulations related to using a spotlight or firearm silencer in the hunting of birds and mammals do not apply to a person acting in accordance with the conditions of a license held by the person.

Lengthened Inspection Cycles: The bill increases the inspection period for each parcel of land classified as native forest land, a forest plantation, or wildlands from five years to seven years.

Nonresident Conservation Officer Licensing: The bill removes a provision allowing a federal Fish and Wildlife Service officer or a conservation officer from another jurisdiction to hunt or fish in Indiana after obtaining a resident license.

The bill increases the number of annual free sport fishing days that may be designated from two to four.

Bait Dealer's License: The bill requires a business that sells or barterers live minnows or crayfish to have a bait dealer's license. (Current law requires a business that takes, catches, sells, or barterers live minnows or crayfish to have a bait dealer's license.)

Game Breeding License: The bill allows the sale of game and furbearing mammals for food purposes under a game breeding license. It disallows a person who acquires a game bird or game mammal from applying for a breeder's license. It also removes swamp rabbits from the list of exempted animals under a game breeding license.

Invasive Species Pilot Program: The bill makes the invasive species pilot program a permanent program.

Nonresident Roe Harvester and Dealer Licenses: The bill creates a license for nonresident roe harvesters and dealers. It allows the Natural Resources Commission (NRC) to establish fees above the minimum application fees for nonresident roe harvester and dealer licenses. (Current law allows the NRC to establish fees above the minimum application fees for resident roe harvester and dealer licenses.)

Shooting Preserve Special License: The bill requires all individuals to have a hunting license to shoot on a shooting preserve, and removes the requirement that nonresidents have a special license to shoot on shooting preserves.

The bill increases the amount that an office of DNR or the Department of Revenue (DoR) must deposit on the business day following receipt from \$100 to \$500.

The bill requires that hunting license stamps be electronically generated. It removes the requirement that commemorative stamps be furnished to the circuit court.

The bill removes authority of a meat processing facility to sell for cost, properly tagged deer meat that is not claimed to another person.

It removes the authority for an individual with a hunting, trapping, or fishing license to ship, carry, or take outside Indiana in one week more than two times the possession limit for the wild animal.

The bill provides that the entirety of an area declared to be infested with a pest or pathogen must be operated according to standards of the NRC. (Current law specifies the infested area in terms of portions of townships.)

The bill changes the nursery stock certificate expiration date from September 30 to December 31.

The bill changes the procedures that the Commission must follow when mediating surface water disputes.

The bill requires that bonds forfeited under the abandoned oil and gas well law be placed in the Oil and Gas Environmental Fund.

It also makes technical and conforming changes.

Effective Date: July 1, 2012.

Explanation of State Expenditures: *Summary:* This bill contains provisions that may result in reduced

expenses, or operating efficiencies. The fiscal impact of the provisions of the bill on expenses are expected to be minor.

Lengthened Inspection Cycles: The bill would allow the Division of Forestry to increase the length of time between required inspections of parcels of land classified as native forest land, a forest plantation, or wildlands. This would allow inspections to continue without expanding the level of resources necessary to accomplish the inspection cycle.

Invasive Species Pilot Program: The bill would make permanent a pilot program that allows the taking of a specified invasive species in the Wabash River by means of firearms or by hand. The DNR would use existing resources to enforce this program as part of the enforcement activities currently undertaken on the Wabash River.

(Revised) Provisions That Improve Efficiency of Operations-

The bill increases the amount that an office of DNR or the Department of State Revenue must deposit on the business day following receipt from \$100 to \$500.

The bill requires that hunting license stamps be electronically generated. It removes the requirement that commemorative stamps be furnished to the circuit court.

The bill removes authority of a meat processing facility to sell for cost, properly tagged deer meat that is not claimed to another person.

It removes the authority for an individual with a hunting, trapping, or fishing license to ship, carry, or take outside Indiana in one week more than two times the possession limit for the wild animal.

The bill provides that the entirety of an area declared to be infested with a pest or pathogen must be operated according to standards of the Natural Resources Commission. (Current law specifies the infested area in terms of portions of townships.)

The bill changes the nursery stock certificate expiration date from September 30 to December 31.

The bill changes the procedures that the Commission must follow when mediating surface water disputes.

The bill requires that bonds forfeited under the abandoned oil and gas well law be placed in the Oil and Gas Environmental Fund. This provision is consistent with current practice.

Provisions that have no Impact on Expenditures-

This bill moves the State Land Office from IDOA to the DNR.

Hunting, Fishing and Trapping: The bill allows fishing by means of a crossbow. The bill also removes certain conditions on the right of a nonresident who owns farmland in Indiana (and of the spouse and children who reside with the nonresident) to hunt, fish, and trap on the farmland without a license. It repeals the prohibition

on raccoon hunting by nonresidents.

Spotlighting: The bill allows the Director of DNR to give certain persons permission to spotlight wild animals or use a silencer.

Explanation of State Revenues: Summary: This bill contains provisions that may impact the number of various DNR licenses sold. The fiscal impact is indeterminate, but likely small.

(Revised) *Hunting, Fishing and Trapping:* The bill removes certain conditions on the right of a nonresident who owns farmland in Indiana (and of the spouse and children who reside with the nonresident) to hunt, fish, and trap on the farmland without a license. This provision may increase the amount of fee revenue associated with nonresident hunting license fees since any nonresidents who were hunting, fishing, or trapping on their land owned in Indiana would now be required to purchase a license.

Shooting Preserve Special License: The bill would eliminate the requirement that nonresidents hunting on a shooting preserve must have a special license costing \$8.75. To the extent that out-of-state hunters use shooting preserves, the bill may increase the amount of fee revenue associated with nonresident hunting licenses because the nonresident license fee is \$80.

Nonresident Conservation Officer Licensing: The bill would eliminate an exemption that allows nonresidents to acquire resident hunting and fishing licenses. (Currently, the resident hunting license fee is \$17, and the nonresident license fee is \$80. The resident fishing license fee is \$17, and the nonresident license fee is \$35. The resident deer hunting license fee is \$24; the nonresident fee is \$150. A separate deer license is required for each deer taken.) The fiscal impact of this provision would depend on the extent to which the individuals that took advantage of the exemption would purchase nonresident licenses without the exemption. The revenue impact is most likely small.

(Revised) *Game Breeding License:* The bill would allow the sales of game mammals or furbearing mammals for food purposes. The bill also would require that a game breeding license is required to breed swamp rabbits. These provisions are an expansion of activities allowed under the existing license program that would have little or no fiscal impact. The bill would also disallow a person who acquires a live game bird or game mammal during an open season from applying for a breeder's license. This provision may result in a reduction of license revenue. The revenue impact is most likely small.

Bait Dealer's License: The bill specifies that a person selling or bartering live minnows or crayfish for bait is required to have a bait dealer's license. This provision eliminates an area of potential confusion and should have little or no fiscal impact.

(Revised) *Nonresident Roe Harvester and Dealer Licenses:* The bill creates a license for nonresident roe harvesters and dealers. It allows the NRC to establish fees above the minimum application fees specified for nonresident roe harvester and dealer licenses.

SEA 532-2011 established a license for roe harvesters who are residents of Indiana. This bill specifies that the NRC shall issue licenses for these activities to individuals who are residents and nonresidents. The amount of revenue raised by this provision would depend on the total number of licenses to be issued, the number that are ultimately issued to nonresidents, and the amount the Commission decides to charge for nonresident license fees. The current statute requires that the number of licenses issued be limited by the DNR.

Current law establishes the minimum application fee for a roe harvester license at \$1,000. The Commission may set the application fee higher for nonresidents (or residents) as long as the amount of revenue generated is not more than is reasonably necessary to offset the costs incurred by the Department of Natural Resources in overseeing the program. Fee revenue would be deposited in the Fish and Wildlife Fund.

Background: The DNR has issued seven \$1,000 resident roe harvester licenses and four \$5,000 resident roe dealer licenses. The maximum number of roe harvester licenses is 15 for the Ohio River and 15 for boundary waters and water of the state, excluding Lake Michigan and the Ohio River.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: DNR, IdoA, DoR.

Local Agencies Affected:

Information Sources: DNR.

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